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 Guido Padula, M.D., Angelo Taranta, M.D.
 and Dilva Salvioni

UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X	
In re:	:
	:
CABRINI MEDICAL CENTER,	:
	:
Debtor.	:
-----X	
CABRINI MEDICAL CENTER,	:
Plaintiff - Appellee,	:
	:
- against -	:
	:
GUIDO PADULA, DILVA SALVIONI	:
ANGELO TARANTA AND	:
MANNUCCIO MANNUCCI	:
Defendants - Appellants.	:
-----X	
MANNUCCIO MANNUCCI,	:
GUIDO PADULA, DILVA SALVIONI	:
AND ANGELO TARANTA	:
Plaintiffs - Appellants,	:
	:
- against -	:
	:
CABRINI MEDICAL CENTER	:
	:
Defendant - Appellee.	:
-----X	

Chapter 11
 Case No. 09-14398 (AJG)

Consolidated
 Adv. Pro. No. 11-02407 (AJG)

**APPELLANTS' DESIGNATION
 OF RECORD AND STATEMENT OF ISSUES ON APPEAL**

Appellants Mannuccio Mannucci, M.D., Guido Padula, M.D., Angelo Taranta, M.D. and Dilva Salvioni (the "Appellants") by their undersigned attorneys, pursuant to Federal Rule of Bankruptcy Procedure 8006, hereby submit their statement of issues to be presented on appeal and their designation of items to be included in the record on appeal:

I. STATEMENT OF ISSUES

Appellants present the following issues on appeal:

1. Whether the Bankruptcy Court erred by not excluding the Appellants' Deferred Compensation Plan funds from the Debtor's Estate?
2. Whether the Bankruptcy Court erred in holding that the Debtor does not hold Appellants' Deferred Compensation Plan funds in a constructive trust?
3. Whether the Bankruptcy Court erred in its holding that a relaxing of the tracing requirements for a constructive trust is not warranted in this case?
4. Whether the Bankruptcy Court erred in not finding that the Debtor's long history of breaches of fiduciary duty against the Appellants must be remedied by the Court?
5. Whether the Bankruptcy Court erred in its refusal to resolve the factual issues regarding whether Appellants' Deferred Compensation Plans were funded benefit plans or unfunded "top hat" plans?
6. Whether the Bankruptcy Court erred in its refusal to determine whether Appellants owned the funds in their Deferred Compensation Plan Accounts?

7. Whether the Bankruptcy Court erred in holding that the Debtor was not required to return to Appellants the full value of the funds taken by the Debtor from Appellants' Deferred Compensation Accounts?

8. Whether the Bankruptcy Court erred in determining that the Appellants' claims are general unsecured claims?

II. DESIGNATION OF RECORD

The following items are to be included in the record on appeal:

1. Appellants' Proofs of Claim, filed November 19, 2009. (Attached hereto as Exhibit A)
2. First Amended Chapter 11 Plan of Liquidation of Cabrini Medical Center, filed January 25, 2011. (Docket No. 554, Case No. 09-14398)
3. Order, approving First Amended Disclosure Statement Relating to the First Amended Chapter 11 Plan of Liquidation of Cabrini Medical Center, dated January 26, 2011. (Docket No. 559, Case No. 09-14398)
4. First Amended Disclosure Statement Relating to the First Amended Chapter 11 Plan of Liquidation of Cabrini Medical Center, filed January 27, 2011. (Docket No. 563, Case No. 09-14398)
5. Appellants' Objection to Confirmation of Debtor's First Amended Chapter 11 Plan of Liquidation of Cabrini Medical Center, including accompanying affidavit of Katherine B. Harrison, filed March 16, 2011. (Docket Nos. 658 and 659, Case No. 09-14398)
6. Order, confirming First Amended Chapter 11 Plan of Liquidation of Cabrini Medical Center, dated April 13, 2011. (Docket No. 729, Case No. 09-14398)

7. Debtor's Adversary Complaint against Appellants, filed June 17, 2011. (Docket No. 784, Case No. 09-14398)

8. Appellants' Adversary Complaint against Debtor, filed July 19, 2011. (Docket No. 1, Adv. Pro. No. 11-02407)

9. Debtor's Answer to Appellants' Adversary Complaint, filed August 23, 2011. (Docket No. 4, Adv. Pro. No. 11-02407)

10. Appellants' Answer to Debtor's Adversary Complaint, filed August 23, 2011. (Docket No. 5, Adv. Pro. No. 11-02407)

11. Appellants' Motion for Summary Judgment, with attached brief in support of motion, filed October 21, 2011. (Docket No. 10, Adv. Pro. No. 11-02407)

12. Joint Stipulated Statement of Undisputed Material Facts, with Exhibits, filed October 21, 2011. (Docket No. 9, Adv. Pro. No. 11-02407)

13. Debtor's Motion for Summary Judgment, with attached brief in support of motion, filed October 21, 2011. (Docket No. 7, Adv. Pro. No. 11-02407)

14. Appellants' Opposition to Debtor's Motion for Summary Judgment, filed November 9, 2011. (Docket No. 13, Adv. Pro. No. 11-02407)

15. Debtor's Opposition to Appellants' Motion for Summary Judgment, filed November 9, 2011. (Docket No. 14, Adv. Pro. No. 11-02407)

16. Appellants' Reply in Further Support of Appellants' Motion for Summary Judgment, filed November 22, 2011. (Docket No. 16, Adv. Pro. No. 11-02407)

17. Debtor's Reply in Further Support of Debtor's Motion for Summary Judgment, filed November 22, 2011. (Docket No. 15, Adv. Pro. No. 11-02407)

18. Transcript of hearing held on December 7, 2011. (Docket No. 19, Adv. Pro. No. 11-02407)

19. Opinion, denying Appellants' Motion for Summary Judgment and granting Debtor's Motion for Summary Judgment, signed and filed February 16, 2012. (Docket No. 20, Adv. Pro. No. 11-02407)

20. Order, denying Appellants' Motion for Summary Judgment and granting Debtor's Motion for Summary Judgment, entered on February 29, 2012. (Docket No. 22, Adv. Pro. No. 11-02407)

21. Notice of Appeal, filed March 14, 2012. (Docket No. 989, Case No. 09-14398)


22. Appellants' Motion for Stay Pending Appeal, filed March 14, 2012. (Docket No. 992, Case No. 09-14398)

23. Appellants' Renewed Motion for Relief from Stay, filed March 14, 2012, including accompanying declaration of Katherine B. Harrison. (Docket Nos. 990 and 991, Case No. 09-14398)

24. This Designation of Record and Statement of Issues on Appeal.

DATED: New York, New York
March 28, 2012

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